

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Tuesday, July 8, 2008
5:45 P.M.

Invocation by Pastor David Land, New Life Assembly of God.

Pledge of Allegiance.

Mayor's Welcome.

CITIZEN PARTICIPATION

All citizens are permitted and encouraged to speak on agenda items. If you are interested in speaking on an agenda item, please fill out a blue card in the back of the room and give it to the City Clerk. When the Council considers the item, you will be called to the podium to provide your comments.

CONSENT AGENDA

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the Consent Agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

(Members of the Mesa City Council will attend either in person or by telephone conference call).

MESA CITY COUNCIL
July 8, 2008
Page 2

1. Take action on all consent agenda items.
- *2. Approval of minutes of previous meetings as written.
3. Conduct a public hearing prior to release of the petition for signatures for the following proposed annexations:
 - 3a. A07-15 (District 5) Annexing land located north and west of Brown and Ellsworth Roads (0.19 ± ac). Initiated by one of the property owners, Esperanza Canava.
 - 3b. A07-13 (District 5) Annexing land located east of Sossaman Road south of McDowell Road (0.41 ± ac). Initiated by the property owner, Karen Fleetwood.
 - 3c. A07-17 (District 6) Annexing land located west of Crismon Road north of Broadway Road (0.14 ± ac). Initiated by the property owner, Gary Clark.
 - 3d. A07-26 (District 5) Annexing land located west of Crismon Road north of Adobe Road (1.07 ± ac). Initiated by John Webster, representing the property owner.
4. Take action on the following liquor license application:
 - *4a. The Dobson Association

This is a charitable event to be held on August 16, 2008 from 5:00 to 10:00 P.M. at 2719 S. Reyes. **(District 3)**
 - *4b. Dobson Ranch Woman's Club

This is a charitable event to be held on November 8, 2008 from 7:00 to 11:00 P.M. at 2719 S. Reyes. **(District 3)**
 - 4c. Carniceria Murrieta's

New Beer & Wine Store License for Carniceria Murrieta's, 1109 E. Main Street, - Applicant, Fidel Ruiz Magana – Agent. The previous Beer & Wine Store License held at this location by Carniceria Murrieta's will revert back to the State. **(District 4)**

MESA CITY COUNCIL
July 8, 2008
Page 3

*4d. [Mekong Supermarket](#)

New Beer & Wine Store License for Mekong Supermarket, 66 S. Dobson Road Suite 132, Mekong Supermarket LLC - Applicant, Lawrence Edward Elliget – Agent. This is an existing building with no previous liquor license at this location. **(District 3)**

*4e. [Shamrock #1706](#)

New Beer & Wine Store License for Shamrock #1706, 415 N. Stapley Drive, Diamond Shamrock Arizona Inc – Applicant, Timothy Lee Holeman – Agent. The previous Beer & Wine License held at this location by Albertsons LLC will revert back to the State. **(District 2)**

*4f. [Shamrock #1708](#)

New Beer & Wine License for Shamrock #1708, 461 N. Val Vista Drive, Diamond Shamrock Arizona Inc – Applicant, Timothy Lee Holeman – Agent. The previous Beer & Wine License held at this location by Albertsons LLC will revert back to the State. **(District 2)**

*4g. [Shell](#)

New Beer & Wine Store License for Shell, 2816 S. Country Club Drive, Country Club Shell LLC Applicant, Nuhaad Naim Jarjis – Agent. The previous Beer & Wine Store License held at this location by Country Club 76 LLC will revert back to the State. **(District 3)**

*4h. [MyLynn Cafe](#)

New Restaurant License for MyLynn Café, 66 S. Dobson Road, Suite 107, MyLynn Café LLC – Applicant, Truc (Timmy) Minh Dang – Agent. This is an existing building with no previous liquor license at this location. **(District 3)**

MESA CITY COUNCIL
July 8, 2008
Page 4

5. Take action on the following contracts:

- *5a. Three-Year Supply Contract for Gasoline and Diesel Fuel for City Vehicles as Requested by the Fleet Services Department. Cooperative Bid with Mesa Unified School District No. 4

The Procurement Services Department recommends accepting the lowest, responsive and responsible bid from Supreme Oil Company at \$6,187,667.00, including applicable taxes.

- *5b. Dollar Limit Increase to the Service Contract for Irrigation Well Inspection, Maintenance and Repair for the Pinal Water Farms as requested by the Real Estate Department

The Procurement Services Department recommends increasing the dollar limit of the Mesa contract to Coolidge Engine & Pump, LLC by \$35,000 to \$126,490 and John Hoover Well Service by \$35,000 to \$43,510, for a combined total of \$170,000 annually, based on estimated requirements.

- *5c. Wastewater Manholes Rehabilitation, City of Mesa Project No. 01-476-006. **(Districts 3, 4, 5 and 6)**

This project will rehabilitate forty (40) of the City's most deteriorated manholes.

Recommend award to the low bidder, Sahuaro Pipeline, Inc., in the amount of \$298,885.00 plus an additional \$29,888.50 (10% allowance for change orders) for a total award of \$328,773.50. This project is funded from the approved FY 08/09 Wastewater Capital Bond Program.

- *5d. Install Access Manholes and Fittings for the Val Vista Water Transmission Mains, City of Mesa Project No. 05-055-001. **(Districts 1 and 5)**

This project will install one new large manhole on the Pasadena main north of Brown Road and west of Mesa Drive in a landscaped area and one new large manhole in the northbound lane of Lindsay Road, north of Brown Road.

MESA CITY COUNCIL
July 8, 2008
Page 5

Recommend award to low bidder Spire Engineering, in the amount of \$578,000.00 plus an additional \$57,800.00 (10% allowance for change orders) for a total award of \$635,800.00. This project is in the approved FY 08/09 Water Bond Capital program.

- *5e. FY 08/09 Residential Street Overlays – Phase II, City of Mesa Project No. 06-044-006. **(District 3)**

This project includes more than 289,000 square yards of asphalt pavement mill and overlay. The work will also include the installation of the Americans with Disabilities (ADA) compliant sidewalk ramps and other miscellaneous street improvements.

Recommend award to the low bidder, M.R. Tanner Construction, in the amount of \$3,038,500.00, plus an additional \$303,850.00 (10% allowance for change orders) for a total award of \$3,342,350.00. Funding is available from the approved FY 08/09 Transportation Operating budget.

- *5f. Three-Year Supply Contract for printing of Election Publicity Pamphlets for the City Clerk's Office.

The Procurement Services Department recommends awarding the contract to the highest scored proposal from Century Graphics at \$32,549.57, including applicable taxes.

- *5g. Three-Year Supply Contract for Traffic Signal LED Modules for Warehouse Inventory

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from Brown Wholesale Electric at \$189,911.83 annually, including contingencies and applicable sales tax, based on estimated requirements.

MESA CITY COUNCIL
July 8, 2008
Page 6

6. Introduction of the following ordinances and setting August 18, 2008, as the date of the public hearing on these ordinances:

- *6a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Left Turns From Driveways: 10-3-15

On the west side of Sossaman Road with centerline at the Hopi Avenue alignment. (Sossaman Road south of Southern Avenue) **(District 6)**

- *6b. **Z08-31 (District 6)** 5341 South Power Road. Located east of Power Road and south of Ray Road (5± acres). Rezone from R1-43 and C-2 to C-2 PAD and Site Plan Review. This request will allow the development a retail center. Michael Rose, Across America Real Estate Corp., owner; Scott Lang, SKL Architects, applicant; Julie S. Rayburn, RCC Design Group, L.L.C., engineer.

P&Z Recommendation: Approval with conditions. (Vote: 6-0 with Boardmember Langkilde absent)

- *6c. **Z08-39 (District 6)** 11464 East Germann Road. Located on the west side of the Meridian Road alignment between Pecos Road and Germann Road (229± acres). Site Plan Modification (229.25± acres) and rezone from R1-43 to M-2-BIZ with a Council Use Permit overlay (2.25± acres). This request will allow the construction of a main entry drive to a steel mill on Germann Road. Steven J. Henderson, Commercial Metals Company, owner; Stephen C. Earl, Earl, Curley & Lagarde, P.C., applicant.

P&Z Recommendation: Approval with conditions. (Vote: 6-0 with Boardmember Langkilde absent)

MESA CITY COUNCIL
July 8, 2008
Page 7

- 6d. **Z08-40 (District 6)** 7415, 7447, and 7509 East Southern Avenue. Located west of Sossaman Road on the south side of Southern Avenue (6± acres). Council Use Permit. This request will allow retail uses in an M-1 zoning district to exceed 10,000 square feet for an individual store and 50,000 square feet in total aggregate area. Grant A. Tayrien - CSS, LLC, owner; Randolph L. Carter – Dream Catchers Planning and Design, LLC, applicant.

P&Z Recommendation: Approval with conditions. (Vote: 3-2 with Boardmembers Esparza and Roberts nay, Boardmember Carter abstaining and Boardmember Langkilde absent)

- *6e. **A07-07 (District 6)** Annexing land located north and west of Southern Avenue and Ellsworth Road (1.12 ± ac). Initiated by the property owner, James Ford.
- *6f. **A07-33 (District 6)** Annexing land located north and west of Southern Avenue and Ellsworth Road (3.36 ± ac). Initiated by the property owners, Stephen J. Hagerman, James T. Winters and James W. McClafferty.

7. Take action on the following resolutions:

- *7a. **Granting a Special Warranty Deed**, Temporary Construction Easement and a Drainage and Retention Basin Easement to the Town of Gilbert for the Greenfield Road Improvement Project at 19662 South Greenfield Road. **(No Council District-in the Town of Gilbert's city limits)**

As landowner, the City of Mesa needs to execute these documents for the Town of Gilbert's Greenfield Road Improvement Project.

- *7b. **Extinguishing two Easements** and Agreements for Highway Purposes at the southwest corner of 90th Street and Decatur Street. **(District 5)**

These easements are being extinguished at the request of the property owner to better secure their property. An easement for public utility and ingress-egress for emergency and service type vehicles is being retained.

MESA CITY COUNCIL
July 8, 2008
Page 8

- *7c. Dedicating right-of-way and two public utility easements at the northwest corner of East McKellips Road and East Falcon Drive at Falcon Field Airport. **(District 5)**

As landowner, the City of Mesa needs to execute these documents for the “Falcon 7 Executive Hangars and Desert Jet Center” project being built at Falcon Field Airport.

- *7d. Vacating a portion of the old Power Road alignment, south of Williams Field Road. **(District 6)**

Since the re-alignment of Power Road in 1989, this portion of the old Power Road alignment is no longer needed.

- *7e. Granting a Power Distribution Easement to Salt River Project on city-owned property at Falcon Field Airport. **(District 5)**

This easement is necessary to provide electrical facilities and power to the Echo Ramp Expansion Project.

- *7f. Granting an Easement to Salt River Project on city-owned property along Signal Butte Road at the northeast corner of Signal Butte Road and Elliot Road. **(District 6)**

This easement is necessary for SRP to provide electrical facilities and power to the area south of the SRP Browning Substation.

- *7g. Granting a Power Distribution Easement to Salt River Project on city-owned property along the Western Canal, west of Dobson Road. **(District 3)**

This easement is necessary for Salt River Project to upgrade their electrical facilities and power lines in this area.

- *7h. Granting two Power Distribution Easements to Salt River Project on city-owned property at 1804 West Main Street. **(District 3)**

These easements are necessary to provide electrical facilities and power to the Light Rail Project’s Tracking Power Substation.

MESA CITY COUNCIL
July 8, 2008
Page 9

- *7i. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the Arizona Department of Public Safety to share radio communications sites.
- *7j. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Criminal Justice Commission to secure grant funds in the amount of \$10,085 for overtime earned by a detective assigned to the Maricopa County Sheriff's Office High Intensity Drug Trafficking Area Task Force.
- *7k. Approving and authorizing the City Manager to execute a Subgrant Agreement between the City of Mesa and the Arizona Department of Public Safety to secure grant funds in the amount of \$162,927 for salaries of two Victim Services Specialists and one Domestic Violence Intervention Specialist.
- *7l. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Automobile Theft Authority to secure grant funds in the amount of \$22,581 to provide overtime and equipment and repairs to vehicles in the Bait Car Program.
- *7m. Approving and authorizing the City Manager to execute a Grant Agreement between the City of Mesa and the Arizona Automobile Theft Authority to secure grant funds in the amount of \$18,477 to purchase equipment and fund overtime for auto theft prevention and education.
- *7n. Restore fees and charges inadvertently deleted in the Adopted 08/09 Fees and Charges Schedule for HoHoKam Stadium, Mesa Amphitheatre and Mesa Cemetery for the Parks, Recreation and Commercial Facilities Department.
- *7o. Approving and authorizing the City Manager to execute an Intergovernmental Agreement between the City of Mesa and the City of Tempe to administer the activities of the Water – Use It Wisely™ regional campaign.

MESA CITY COUNCIL
July 8, 2008
Page 10

- 7p. [Adopting Findings of Fact](#) related to the Retail Development Tax Incentive Agreement (Pre-Annexation Development Agreement) between the City of Mesa and Empire Southwest, LLC, the John Whiteman Trust A, and BCH Management, LLC for the annexation and development of property.
- 7q. Approving and authorizing the City Manager to execute a [Pre-Annexation Development Agreement](#) (Retail Development Tax Incentive Agreement) between the City of Mesa and Empire Southwest, LLC, the John Whiteman Trust A, and BCH Management, LLC for the annexation and development of +/- 43.6 acres plus the development of +/- 11 acres, generally located south of the U.S. 60 Freeway and east of Country Club Drive.
- *7r. [Vacating an alley](#) located east of Lazona Drive, between East 3rd Place and East 3rd Street **(District 2)**
- *7s. [Approving and supporting the submittal of two grant](#) applications to the Gila River Indian Community.

This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

These applications are submitted for the Mesa Police Department (\$82,000 to purchase equipment for the Traffic Control Unit and technology upgrades for recordkeeping) and Neighborhood Services (\$145,000 for Alston House improvements VITA (tax preparation) program, Building Strong Neighborhoods Youth Initiative and Diversity Now program).

MESA CITY COUNCIL
July 8, 2008
Page 11

- *7t. Approving and supporting the submittal of seven grant applications for non-profit organizations to the Gila River Indian Community.

These applications are submitted for the Child Crisis Center (\$50,000 for Operation Family Support), Bridging AZ Furniture Bank, Inc. (\$42,000 for a new delivery truck and operational support), Creative Innovations (\$50,000 for family preservation services), Banner Children's Hospital (\$1,000,000 towards their capital campaign), the United Food (\$35,000 to enhance their Emergency & Supplemental Food Assistance Program), Mesa United Way (\$60,000 on behalf of the Valencia Neighborhood Association to provide improvements at the retention basin in their neighborhood) and Native American Fatherhood and Family Association (\$100,000 to train social service providers in serving low-income fathers and provide healthy marriages).

- *7u. Adopting, approving, ratifying and accepting the terms of the Settlement Memorandum dated June 25, 2008 between the City of Mesa and the Roosevelt Water Conservation District and authorizing the conveyance of an easement.

8. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *8a. A07-14 (District 5) Annexing land located south and east of McDowell Road and Sossaman Road (2.09 ± ac). Initiated by one of the property owners, William Black.

9. Items from citizens present. (Maximum of three speakers for three minutes per speaker).